

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK,
Plaintiff

vs.

MARTIN HORN, et al.,
Defendants

: NO.: 1:CV01-0764
: (JUDGE CALDWELL)
: JURY TRIAL DEMANDED

(103)
1-17-03
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FILED
HARRISBURG, PA
JAN 16 2003

PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME

AND NOW, comes Plaintiff, William Clark, pro se, and respectfully requests this Honorable Court grant him an "Enlargement of Time" until February 12, 2003 (30 days) or whatever extension of time this Honorable Court deems appropriate, to file his Motion for Summary Judgement and supporting Statement of Material Facts, and to answer Wexford Defendants' Motion for Summary Judgement.

Statement of the Case

A. Identity of the Parties:

Plaintiff, William Clark, is currently incarcerated at the State Correctional Institution at Rockview.

The Department of Corrections employees named as Defendants ("Corrections Defendants") are "Martin Horn, Robert Meyers and Larry Lidgett", by and through their attorney, John J. Talaber, Assistant Counsel for the Dept. of Corrections.

Additional Defendants, named "Wexford Health Sources, Inc. and Wexford Medical Director, Dr. John Symons" ("Wexford Defendants"), by and through their attorney, James D. Young, Esq.

B. Relevant Procedural History:

In consideration of time and resource limitations, please refer to Plaintiffs' Motion for an Enlargement of Time, filed by this Court on January 2, 2003.

On January 2, 2003, plaintiff received Corrections Defendants' Motion for Enlargement of Time to file supporting Brief and Statement of Material Facts to their Motion for Summary Judgement.

On January 3, 2003, plaintiff received Corrections Defendants' Supporting Documents to Motion for Summary Judgement and Wexford Defendants' Motion for Summary Judgement.

On January 7, 2003, received Order from the Court granting Corr-

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ections Defendants' Motion for Enlargement of Time and Motion to Exceed Page Limit. This Honorable Court also granted Plaintiffs' Motion for Enlargement of Time to file his Statement of Material Facts and Summary Judgement.

C. Request for Enlargement of Time:

Plaintiff respectfully requests an "Enlargement of Time" until February 12, 2003 (30 days), or whatever extension of time this Honorable Court considers appropriate, for the following reasons:

Plaintiff has been overwhelmed in preparing his "Motion for Summary Judgement", reviewing all his medical records, motions filed and received, Orders of the Court, etc., attempting to understand medical terminology and researching case law, in conjunction with this litigation.

Plaintiff avers, there are many hundreds of pages to review and that he is severely disadvantaged by the fact he has no legal aid or any form of aid, and is struggling in his attempts to make a "good faith" effort to comply with the present time constraints.

Plaintiff is confused as a result of the tactics of both sets of defendants; defendants ask for a "Joint Enlargement of Time" to file their respective Statements of Material Facts and supporting Brief to their Motions for Summary Judgement on December 3, 2002. Plaintiff is then "BLINDSIDED" by additional "enlargements of time" requested by Corrections Defendants' Motion for Summary Judgement and sending hundreds of pages of supporting documents to their Motion for Summary Judgement, coinciding with Wexford Defendants' "Motion for Summary Judgement", all within one day of each other. Plaintiffs "head is spinning" in his attempt to separate, digest and answer ALL this information, with the limited time and resources he finds himself working under.

Plaintiff's health has suffered worsening effects of HCV, especially as he has been getting exhausted particularly easy as of late and experiencing irregular sleep patterns. Plaintiff may not sleep at all at night, due to the interminable itching caused by dry heat, his psoriasis condition and as a result of the HCV itself. Plaintiff, on some days, may sleep 12 to 14 hours, due to his lack of sleep at night and on most days suffers with severe mental and physical fatigue.

Plaintiff lacks the legal experience needed to timely pursue all

avenues related to this litigation, especially in light of all the medical complexities involved.

Plaintiff requests an enlargement, pursuant to Fed. R. Civ. P. 6(b) until February 12, 2003, to file and serve his documents. Federal Rule of Civil Procedure 6(b) provides, in part that, "[w]hen by these rules...an act required or allowed to be done at or within a specific time, the court for cause shown may at any time in its discretion...order the period enlarged if request therefore is made before the expiration of the period originally prescribed...."

Plaintiff avers, no prejudice to defendants will result with this enlargement of time. Plaintiff has not recently objected to any of the defendants' Motions for Enlargement of Time.

Plaintiff notes to the Court, that the law library being open on a day-to-day basis is still "iffy" at best. On Friday, January 10, 2003, plaintiff was informed by block Sgt. McCracken that the library was closed, when in fact, it was open that day. Plaintiff was made aware of this fact the following day by an inmate from another block, who was there.

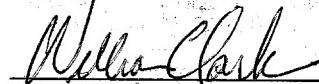
Plaintiff, in his limited capacity, is proceeding with this litigation in a BEST FAITH effort to comply with this Honorable Court.

Plaintiff begs this Honorable Court allow him his enlargement of time, in order to continue this effort.

WHEREFORE, for the reasons set forth above, and in order that Plaintiff may properly present this litigation, Plaintiff prays this Honorable Court grant his "Enlargement of Time" to file his Motion for Summary Judgement and Statement of Material Facts, and to answer the Wexford Defendants' Motion for Summary Judgement, for thirty days or whatever extension of time this Honorable Court deems appropriate.

DATE MAILED: January 10, 2003

Respectfully Submitted,



William Clark, pro se
Box A AY-5585
Bellefonte, Pa. 16823

CERTIFICATE OF SERVICE

I, William Clark, certify I have this day served upon the indicated persons, "Plaintiffs' Motion for Enlargement of Time", by placing same in the United States Mail, postage prepaid, and addressed as follows:

James D. Young, Esq.
301 Market St., Suite 800
P.O. Box 1245
Harrisburg, Pa. 17108-1245

John J. Talaber, Esq.
Office of Chief Counsel
55 Utley Drive
Camp Hill, Pa. 17011

DATE MAILED: January 10, 2003

Respectfully Submitted,

William Clark

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FILED
HARRISBURG PA

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MARY E. DANIELS, CLERK
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